

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TANYA ELEY and
ALBERT ELEY, H/W

v.

STATE FARM INSURANCE COMPANY :

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No. 10-cv-5564

ORDER

AND NOW, this 31 day of January, 2010, for the reasons stated in the foregoing Memorandum, it is hereby ORDERED as follows: Defendant's Motion Pursuant to Rule 12(B)(6) to Dismiss Count II of Plaintiffs' Complaint (ECF No. 5) is hereby GRANTED without prejudice.

BY THE COURT:

/s Michael M. Baylson

MICHAEL M. BAYLSON, U.S.D.J